

HOUSE No. 2126

The Commonwealth of Massachusetts

PRESENTED BY:

Eugene L. O'Flaherty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to immunity.

PETITION OF:

NAME:

Eugene L. O'Flaherty

DISTRICT/ADDRESS:

2nd Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2205 OF .]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO IMMUNITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out Section 12C, as
2 appearing in the 2004 Official Edition and inserting in place thereof the following section:-

3 Section 12C. No health care provider administering immunization or vaccination under public
4 health programs shall be liable in a civil suit for damages as a result of any defect in the immunization or
5 vaccine or any unavoidable risk attendant upon such immunization or vaccine. Nothing in this section shall
6 be construed so as to preclude the imposition of liability upon a health care provider who negligently
7 administers such immunization or vaccine or negligently administers such immunization or vaccine or
8 negligently acts or fails to act with respect to any side effects or other aspects of the patient's care.